



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Attorney Docket: Q80436

Kenji TSUKADA

Appln. No.: 10/798,409

Group Art Unit: 2856

Confirmation No.: 5988

Examiner: Rose Mary Miller

Filed: March 12, 2004

For: **DETECTOR OF LIQUID CONSUMPTION CONDITION**

DECLARATION UNDER 37 C.F.R. § 1.132

Commissioner for Patents
Washington, D.C. 20231

Sir:

We, Kenji Tsukada and Munehide Kanaya do hereby and state as follows:

1. We are the co-inventors and co-applicants of the above captioned application U.S.

Application No.: 10/798,409 (hereinafter, "the '409 application");

2. We are familiar with the prosecution of the '409 application;

3. Specifically, in connection with the prosecution of the '409 application; namely

the Non-Final Office Action dated June 1, 2005, wherein the Examiner has rejected claims 1, 4-5 and 10-12 under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 6,536,861 (hereinafter the '861 patent); also under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Publication No. 2003-0140694 (hereinafter "the '694 reference"); also under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 6,470,744 (hereinafter "the '744 patent"); and also under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 6,799,820 (hereinafter "the '820 patent);

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4. We, along with Mr. Minoru Usui (hereinafter "Mr. Usui"), are co-inventors and co-applicants of each of the '861 patent, '694 reference, '744 patent, and '820 patent;

5. The features and characteristics of the '861 patent that are relied upon by the Examiner in rejecting claims 1, 4-5 and 10-12, of the '409 application, were disclosed by us to Mr. Usui, and were not contributed by Mr. Usui.

6. Specifically, the features and characteristics shown in Figures 22(A) to 22(C); Figures 32(A) to 32(C); Figure 47(B); and Figures 111(A) to 111(C); and described in column 19, lines 15-30 and 54-65; column 20, lines 36-40; column 22, lines 37-59; column 23, line 66 to column 24, line 8; column 24, lines 39-46; column 32, lines 36-65; column 45, lines 3-24; and column 86, line 47 to column 87, line 3 of the '861 patent, on which the Examiner is relying to reject the claims 1, 4-5 and 10-12, were contributed by us and not by Mr. Usui.

7. The features and characteristics of the '694 reference that are relied upon by the Examiner in rejecting claims 1, 4-5 and 10-12, of the '409 application, were disclosed by us to Mr. Usui, and were not contributed by Mr. Usui.

8. Specifically, the features and characteristics shown in Figures 20(A) to 20(C); Figure 28(B); Figures 29(A) to 29(C); Figures 43(A) to 43(C); and described in paragraphs [0138] to [0146]; [0150] to [0157]; [0212]; [0223] to [0226]; and [0256] to [0258] of the '694 reference, on which the Examiner is relying to reject the claims 1, 4-5 and 10-12, were contributed by us and not by Mr. Usui.

9. The features and characteristics of the '744 patent that are relied upon by the Examiner in rejecting claims 1, 4-5 and 10-12, of the '409 application, were disclosed by us to Mr. Usui, and were not contributed by Mr. Usui.

10. Specifically, the features and characteristics shown in Figures 20(A) to 20(C); Figure 28(B); Figures 29(A) to 29(C); and Figures 44(A) to 44(C); and described in column 20, line 18 to column 23, line 42; column 24, lines 16-52; column 24, line 63 to column 25, line 13; column 33, lines 35-56; column 35, line 66 to column 36, line 50; and column 46, lines 17-60 of the '744 patent, on which the Examiner is relying to reject the claims 1, 4-5 and 10-12, were contributed by us and not by Mr. Usui.

11. The features and characteristics of the '820 patent that are relied upon by the Examiner in rejecting claims 1, 4-5 and 10-12, of the '409 application, were disclosed by us to Mr. Usui, and were not contributed by Mr. Usui.

12. Specifically, the features and characteristics shown in Figures 20(A) to 20(C); Figure 28(B); Figures 29(A) to 29(C); Figures 43(A) to 43(C); and Figures 76(A) to 76(C) and described in column 15, line 34 to column 18, line 68; column 19, lines 16-54; column 28, lines 47-67; column 31 lines 10-62, column 39, line 42 to column 40, line 18; and column 60, line 20 to column 61, line 7 of the '820 patent, on which the Examiner is relying to reject the claims 1, 4-5 and 10-12, were contributed by us and not by Mr. Usui.

13. We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so

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made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: Dec. 13. 2005

Kenji Tsukada
Kenji Tsukada

Date: Dec. 13. 2005

Munehide Kanaya
Munehide Kanaya